

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT
HYDERABAD**

**TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE**

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 868 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
11/11/2004 in WP NO :6933 OF 1997 on the file of the High Court.)

Between:

1. The Depot Manager, APSRTC, Mehdiapatnam Bus Depot,

Mehidipatnam, Hyderabad

2. The Depot Manager, APSRTC Bus Depot, Charminar (Now

called as Falaknuma)

..... APPELLANTS

AND

1. G. Narsi Reddy S/o G. Malla Reddy r/o Chityal Village Post &
Mandal, Nalgonda District.

2. The Presiding Officer, Labour Court-I Hyderabad

.....RESPONDENTS

Counsel for the Appellants: MR.V.T.M.PRASAD

Counsel for the respondent No.1: MR. T. SURYAKARAN REDDY.

Counsel for the Respondent No.2.: GP FOR LABOUR

The Court made the following :

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JUDGMENT: (Per the Hon'ble Smt Justice T. Meena Kumari,)

This writ appeal is filed by the appellants aggrieved by the order, dated 11-11-

2004 in W.P.No.6933 of 1997 wherein the learned Single Judge dismissed the writ petition observing that the workman has already been reinstated into service pursuant to the order passed by the Labour Court.

The appellants herein are the writ petitioners. Originally, the writ petition was filed seeking to quash the award dated 25-6-1996 in I.D.No.104 of 1994 on the file of the Labour Court-I, Hyderabad.

The case of the writ petitioners is that the 1st respondent-workman was appointed as a Conductor in 1973 and he was removed from service by an order, dated 14.8.1975 on the allegation of continuous absence from duty, without prior permission. The appeal preferred by the workman before the writ petitioners-corporation was allowed in part on 04.03.1976 and the workman was appointed afresh as a temporary conductor and posted to Charminar Bus Depot. Instead of reporting to duty, the workman raised an Industrial Dispute before the Labour Court, wherein his removal order dated 14.8.1975 was set aside and his reinstatement was ordered without back wages, but with continuity of service and other attendant benefits. Aggrieved by the same, the appellants herein filed the above writ petition. The learned Single Judge of this Court having observed that when the order of removal passed by the Depot Manager was set aside by the appellate authority, it was not proper and just on the part of the Corporation in not taking back the workman into service, dismissed the same. Having aggrieved by the same, the present writ appeal is preferred by the writ petitioners-appellants.

The learned counsel for the appellants contends that the appellants did not prevent the workman from joining his duties. He further contends that I.D.No.104 of 1994 was filed by the workman nearly after a lapse of 18 years and there are no bonafides on the part of the workman, and hence, the order of the learned Single Judge is liable to be set aside.

On the other hand, the learned Counsel for the respondent-workman contends that as the writ petitioners did not permit the workman to join the duty, he raised a dispute before the Labour Court and the Labour Court directed the Corporation authorities to reinstate him with continuity of service. He further

contended that the learned Single Judge has rightly dismissed the above writ petition and it needs no interference.

A perusal of the order under appeal goes to show that the workman-respondent has been reinstated into service in pursuance of the order of the Labour Court. Having considered the order of the Labour Court and having regard to the fact that the respondent-workman has been reinstated into Service, the learned Single Judge dismissed the writ petition.

Under the above facts and circumstances, we are of the view that the order under appeal does not require any interference. But, in peculiar circumstances of the case, we modify the order of the learned Single Judge to the effect that the respondent-workman is not entitled to the back wages, but he is entitled for continuity of service for the purpose of pension and gratuity only.

With the above modification, the writ appeal is disposed of. No order as to costs.

T.MEENA KUMARI , J

P.LAKSHMANA REDDY,J

Dated:14-06-2005

Sj/Nn

Copy to:

1. The Depot Manager, APSRTC, Mehdipatnam Bus Depot,
Mehidipatnam, Hyderabad
2. The Depot Manager, APSRTC Bus Depot, Charminar (Now
called as Falaknuma)
3. The Presiding Officer, Labour Court-I Hyderabad.
4. Two C.Cs to G.P. for Labour, High Court Buildings, High Court of A.P.,
Hyderabad (O.U.T.)
5. Two C.D. copies.